

BUREAU OF AUTOMOTIVE REPAIR

CORRECTION OF CROSS REFERENCES, PUNCTUATION, REDUNDANCY, AND
ADDING CONFORMITY WITH STATUTE

TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 3303, 3352, 3353, AND 3356

SECTION 100. CHANGE WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations, the Department of Consumer Affairs' (DCA) Bureau of Automotive Repair (BAR or Bureau) hereby submits this written statement explaining why the proposed amendments to section 3303 of Article 1; sections 3352, 3353, and 3356 of Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations¹ (CCR) do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.

Subject to the approval of OAL, the Bureau would add to, revise, or delete text published in the California Code of Regulations as follows:

I. Section 3303

In subsection (h), correct the cross-reference citation and Reference Note from “(e)” to “(k)” and delete “, or a transmission fluid change”.

- a. Subsection (e) of Business and Professions Code (Bus. & Prof. Code) section 9880.1 was renumbered under Assembly Bill (AB) 3141 (Low, Stats of 2018, Chapter 503) and the information is now in subsection (k) of that statute. CCR section 3303(h) refers to “repair of motor vehicles” (as found in Bus. & Prof. Code section 9880.1(k)), and not ‘commercial business agreements’ (as found in Bus. & Prof. Code section 9880.1(e)). This change corrects a cross-reference error and serves to provide necessary clarification and is specifically listed as a permissible change without regulatory effect in section 100(a)(4) of Article 2, Chapter 1, Division 1, Title 1, California Code of Regulations.
- b. Also in subsection (h): “, or a transmission fluid change” should be deleted because it is no longer consistent with statute; the current regulatory text excludes transmission fluid change from the definition of ‘repair of motor vehicles’ when the statutes have been updated to include it. AB 3141 (Low, Stats of 2018, Chapter 503) amended Bus. & Prof. Code section 9880.1 by updating the

¹ All references made hereafter to the California Code of Regulations apply to Title 16, Division 33, Chapter 1, unless otherwise specified.

definition of *Repair of Motor Vehicles* (subsection (k)) and adding a definition for *Preventative Maintenance Services* in subsection (j), which specifically includes changing transmission fluid. These amendments collectively establish changing transmission fluid as a maintenance service in subsection (j) and subsection (k) further defines repair of motor vehicles as all maintenance of and repairs to motor vehicles. This change supersedes the current regulatory text, which excludes changing transmission fluid, and therefore makes it inconsistent with statute. This proposed amendment would cause the text to conform with statute and is specifically listed as a change without regulatory effect in section 100(a)(6)(A) of Article 2, Chapter 1, Division 1, Title 1, California Code of Regulations.

II. Section 3352

Add cross-reference to CCR Section 3353 in subsection (a) for consistency and to improve clarity.

CCR section 3352 lists definitions, including one for ‘estimate’; in another definition in its list, it includes a cross-reference to the regulation that sets requirements for that defined term. This change without regulatory effect would cross-reference CCR section 3353, which sets requirements of an estimate. This would add clarity and consistency. Revising cross-references is specifically listed as a change without regulatory effect in section 100(a)(4) of Article 2, Chapter 1, Division 1, Title 1, California Code of Regulations.

III. Section 3353

Add “,” in sentence three of subsection (a) after the word rebuilt.

Adding this serial comma or “Oxford comma” would add clarity, and would make it consistent with Bus. & Prof. Code section 9884.9(c). This clarifies that there are three types of parts, not that ‘rebuilt or reconditioned’ are two types of used parts. This change amends the punctuation in the sentence and is specifically listed as a permissible change without regulatory effect in CCR section 100(a)(4).

IV. Section 3356

- a. Correct the cross-reference citation in subsection (e)(2) from “(d)(1)” to “(e)(1)”.

Subsection (e)(2) is providing alternatives to (e)(1), not referring to vehicles delivered under unusual circumstances, as found in subsection (d). This change corrects a cross-reference error and is

specifically listed as a permissible change without regulatory effect in section 100(a)(4) of Article 2, Chapter 1, Division 1, Title 1, California Code of Regulations.

- b. Correct the cross-reference citation in subsection (f) from “(b)(2)” to “(c)(2)”.

This regulation currently has no subsection “(b)(2)”, so this internal cross-reference is inaccurate. Subsection (f) refers to including parts on invoices, which is referenced in subsection (c) not subsection (b), so the accurate cross-reference would be to “(c)(2)”. This change corrects a cross-reference error and is specifically listed as a permissible change without regulatory effect in section 100(a)(4) of Article 2, Chapter 1, Division 1, Title 1, California Code of Regulations.

Benefits of Proposal:

The proposed amendments would make necessary changes to correct cross-reference errors and other non-substantive changes to provide clarity and conformity with statute. The changes being proposed do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.